

**Exhibit A to the Declaration of
Roderick M. Thompson**

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION
4 CISCO SYSTEMS, INC.,
5 Plaintiff,
6 vs. No. 5:14-cv-05344-BLF
7 ARISTA NETWORKS, INC., (PSG)
8 Defendant.
9

10
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13 VIDEOTAPED DEPOSITION OF DELL INC. 30(b)(6)
14 CORPORATE REPRESENTATIVE - GAVIN CATO
15 Palo Alto, California
16 Friday, May 20, 2016
17 Volume I
18
19
20

21 REPORTED BY:
22 REBECCA L. ROMANO, RPR, CSR No. 12546
23 JOB NO. 2303539
24
25 PAGES 1 - 124

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1 UNITED STATES DISTRICT COURT	1 APPEARANCES OF COUNSEL (CONTINUED)
2 NORTHERN DISTRICT OF CALIFORNIA	2
3 SAN JOSE DIVISION	3 For Dell Inc. and Deponent:
4 CISCO SYSTEMS, INC.,	4 FARELL BRAUN + MARTEL LLP
5 Plaintiff,	5 BY: RODERICK M. THOMPSON
6 vs. No. 5:14-cv-05344-BLF	6 Attorney at Law
7 ARISTA NETWORKS, INC., (PSG)	7 Russ Building
8 Defendant.	8 235 Montgomery Street
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13 VIDEOTAPED DEPOSITION OF GAVIN CATO, taken	13 ALSO PRESENT:
14 on behalf of the Defendant, at Wilson Sonsini	14 Ramon Peraza, Videographer
15 Goodrich & Rosati, 650 Page Mill Road, Palo Alto,	15
16 California, commencing at 10:07 a.m., Friday,	16
17 May 20, 2016 before Rebecca L. Romano, Certified	17
18 Shorthand Reporter No. 12546	18
19	19
20	20
21	21
22	22
23	23
24	24
25	25
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1 APPEARANCES OF COUNSEL	1 INDEX
2	2
3 For the Plaintiff:	3 DEPONENT EXAMINATION
4 QUINN EMANUEL URQUHART & SULLIVAN, LLP	4 DELL INC. 30(b)(6) PAGE
5 BY: ANDREW M. HOLMES	5 VOLUME I
6 Attorney at Law	6 BY MS. McCLOSKEY 3, 119
7 50 California Street	7 BY MR. HOLMES 111, 122
8 22nd Floor	8
9 San Francisco, California 94111	9
10 (415) 875-6322	10 EXHIBITS
11 drewholmes@quinnemanuel.com	11 NUMBER DESCRIPTION PAGE
12	12
13 For the Defendants:	13 Exhibit 950 Subpoena, 14 Pages; 14
14 KEKER & VAN NEST, LLP	14
15 BY: ELIZABETH McCLOSKEY	15 Exhibit 951 LinkedIn Profile, 15
16 Attorney at Law	16 6 Pages;
17 633 Battery Street	17
18 San Francisco, California	18 Exhibit 952 PowerPoint - Dell Networking,
19 (415) 391-5400	19 ARISTANDCA00265338 -
20 emccloskey@kvn.com	20 ARISTANDCA00265357; 26
21	21
22	22 Exhibit 953 Article - Dell PowerConnect
23	23 3500 Series,
24	24 ARISTANDCA00265417 -
25	25 ARISTANDCA00265418; 55
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1	EXHIBITS (CONTINUED)		1	Palo Alto, California; Friday, May 20, 2016	09:57:13
2	NUMBER DESCRIPTION PAGE		2	10:07 a m	
3			3	---o0o---	
4	Exhibit 954 Article - Dell Force 10		4		
5	Technical Training,		5	THE VIDEOGRAPHER: Good morning We are	10:07:09
6	ARISTANDCA00265422 -		6	on the record at 10:07 a m on May 20th, 2016	
7	ARISTANDCA00265423;	79	7	This is the videotaped deposition of Dell, Inc	
8			8	The deponent is Gavin Cato	
9	Exhibit 955 Article - Force 10, How Does		9	My name is Ramon Peraza, here with our	
10	your Nexus Stack Up on		10	court reporter, Rebecca Romano We are here from	10:07:21
11	Energy and Power,		11	Veritext Legal Solutions at the request of counsel	
12	ARISTANDCA00265419 -		12	for the defendant	
13	ARISTANDCA00265421;	85	13	This deposition is being held at	
14			14	Wilson Sonsini in Palo Alto, and the caption of	
15	Exhibit 956 YouTube Dell Technician		15	this case is Cisco Systems, Inc , versus	10:07:32
16	WebPage Video; (retained)	96	16	Arista Networks, Inc Case No 5:14-cv-05344-BLF	
17			17	(PSG)	
18	Exhibit 957 Article, Dell PowerConnect		18	Please note that audio and video	
19	5200 Series Switches,		19	recording will take place unless all parties have	
20	ARISTANDCA00265444 -		20	agreed to go off the record Microphones are	10:07:52
21	ARISTANDCA00265445;	100	21	sensitive and may pick up whispers or private	
22			22	conversations	
23			23	At this time, counsel please identify	
24			24	yourselves for the record and state whom you	
25			25	represent	10:08:01
Page 6			Page 8		
1	EXHIBITS (CONTINUED)		1	MS McCLOSKEY: Elizabeth McCloskey on	10 08:03
2	NUMBER DESCRIPTION PAGE		2	behalf of -- Elizabeth McCloskey of	
3			3	Keker & Van Nest on behalf of defendant,	
4	Exhibit 958 Article, Force 10, FTOS		4	Arista Networks	
5	Command Line Interface		5	MR HOLMES: Drew Holmes of Quinn Emanuel	10 08:09
6	ARISTANDCA00265424 -		6	on behalf of Cisco	
7	ARISTANDCA00265425;	103	7	MR THOMPSON: Roderick Thompson,	
8			8	Farella Braun + Martel, on behalf of Dell, Inc and	
9	Exhibit 959 PowerPoint, Force 10		9	witness, Mr Cato	
10	Introduction,		10	THE VIDEOGRAPHER: The court reporter may	10:08:20
11	ARISTANDCA13172775 -		11	swear in the witness	
12	ARISTANDCA13172831.	107	12	THE REPORTER: If you could raise your right	
13			13	hand for me, please	
14			14	THE DEPONENT: (Complies)	
15			15	THE REPORTER: You do solemnly state,	10 08:35
16			16	under penalty of perjury, that the testimony you	
17			17	are about to give in this deposition, shall be the	
18			18	truth, the whole truth and nothing but the truth?	
19			19	THE DEPONENT: I do	
20			20		10:08:35
21			21		
22			22		
23			23		
24			24		
25			25	////	10:08:35
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1 A. In dealing with requirements and dealing 10:41:03	1 Q. What do you mean by expected 10:44:09
2 with the customers and the expectations of the	2 configurations?
3 customers, in talking with the developers and	3 A. If you have a VLAN, then everybody --
4 spending time with the developers and testers.	4 there's an expectation that a VLAN and the
5 Q. For your work dealing with customers, was 10:41:26	5 terminology around VLAN will somewhere appear in 10:44:21
6 it important for you to know information about	6 the CLI along with the parameters necessary to
7 other vendors' CLI commands?	7 structure VLAN so that it interoperates across
8 A. No. It was more important for	8 multiple switches.
9 understanding their practice around CLIs.	9 Q. And how -- in your experience, how does
10 Q. What do you mean by understanding their 10:41:50	10 that expectation arise? 10:44:37
11 practice for CLIs?	11 MR. HOLMES: Objection. Calls for
12 A. Understanding the customer's expectations	12 speculation.
13 for how their users and techs would be using the	13 THE DEPONENT: The expectation arises
14 CLI and what they were trying to accomplish through	14 from -- from the customers and from the market.
15 the CLI. 10:42:07	15 Q. (By Ms. McCloskey) Can you explain to me 10:44:56
16 Q. Okay. Through what you've just	16 a little bit more how the expectation arises from
17 described, did you become aware of similarities	17 the customer?
18 between the CLI supported by Dell's Ethernet	18 MR. HOLMES: Objection. Calls for
19 routers and switches and the CLI supported by those	19 speculation and a narrative.
20 companies that you listed a moment ago? 10:42:24	20 THE DEPONENT: When you're dealing with a 10:45:17
21 MR. HOLMES: Objection. Calls for a	21 customer, the customer has a certain level of
22 legal conclusion. Speculation and vague.	22 experience with -- with switching. And when you're
23 THE DEPONENT: I -- I became familiar	23 going in and -- and talking to them about what they
24 with the -- the desire for customers to have a	24 want to experience with your switch, you are trying
25 similar look and feel for the products and the 10:42:42	25 to get them comfortable that they can operate your 10:45:32
Page 34	Page 36
1 interactions with the products for their 10:42:46	1 switch in a way that is consistent with their 10:45:35
2 technicians.	2 expectations for the solution, and you're trying to
3 Q. (By Ms. McCloskey) More specifically,	3 meet the -- the understanding of what they want to
4 did you become aware -- have you become aware of	4 deploy.
5 similarities between the CLI supported by Dell's 10:43:00	5 Q. (By Ms. McCloskey) Do you know what a 10:46:05
6 Ethernet routers and switches and the CLI supported	6 command mode is?
7 by Cisco's routers and switches?	7 A. I'm aware of what command modes are.
8 MR. HOLMES: Objection. Vague. Calls	8 Q. What are you aware, in terms of what a
9 for a legal conclusion.	9 command mode is?
10 THE DEPONENT: I have become familiar 10:43:13	10 A. I know that command modes allow you to 10:46:18
11 with the fact that there's similarity --	11 enter different levels within the switch to provide
12 similarities between the CLIs.	12 information for the switch for configuration or
13 Q. (By Ms. McCloskey) What are those	13 data that the switch then uses to accomplish the
14 similarities?	14 actions that drive the interoperability.
15 MR. HOLMES: Objection. Calls for a 10:43:23	15 Q. And have you learned what a command mode 10:46:40
16 legal conclusion.	16 is through your work in networking?
17 THE DEPONENT: There's -- there's	17 A. Yes.
18 similarities in terms of overall, I guess,	18 Q. Do customers generally expect the Dell
19 structure --	19 CLI to support familiar command modes and
20 Q. (By Ms. McCloskey) Uh-huh. 10:43:40	20 their assoc- -- and their associated prompts? 10:46:51
21 A. -- of -- of what a CLI generally looks	21 MR. HOLMES: Objection. Speculation.
22 like versus a bunch of dashes, dots. It's a	22 Legal -- calls for a legal conclusion.
23 generalized set of expected configurations and	23 THE DEPONENT: Customers expect Dell to
24 parameters that a customer would need to know for a	24 support command modes and ensure that those command
25 network switch. 10:43:58	25 modes are -- are familiar with their technicians. 10:47:07
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<p>1 Q. (By Ms. McCloskey) How do you know that? 10:47:12</p> <p>2 A. Because any time we create command modes,</p> <p>3 we go and we make sure that the -- the</p> <p>4 documentation and customers are trained so that</p> <p>5 they can operate the switches. 10:47:23</p> <p>6 Q. Would it be accurate to say that the</p> <p>7 command mode supported by the Dell CLI are also</p> <p>8 dictated by customer expectations?</p> <p>9 A. The command mode supported by Dell</p> <p>10 switches are dictated by customer expectations, as 10:47:49</p> <p>11 well as our analysis of best practices for</p> <p>12 implementation of the functionality are the most</p> <p>13 efficient means of implementation of the</p> <p>14 functionality.</p> <p>15 Q. What do you mean by your analysis of best 10:48:04</p> <p>16 practices?</p> <p>17 A. We -- we look at the -- the most familiar</p> <p>18 mechanisms for the customer and we look at the --</p> <p>19 the capabilities for us to remain similar across</p> <p>20 Dell products, both OEM products and third-party 10:48:29</p> <p>21 products.</p> <p>22 Q. So when you are doing an analysis of best</p> <p>23 practices, do you consider the practices of</p> <p>24 third-party products?</p> <p>25 A. We have to, in the sense that Dell 10:48:56</p> <p style="text-align: right;">Page 38</p>	<p>1 Q. What is a show command? 10:50:20</p> <p>2 A. A show command enables you to identify</p> <p>3 and show what is currently configured in the</p> <p>4 switch.</p> <p>5 Q. Do Dell customers, in your experience, 10:50:31</p> <p>6 expect Dell CLI to support show commands?</p> <p>7 A. Yes.</p> <p>8 Q. How do you know that?</p> <p>9 A. It's been a hard requirement from the</p> <p>10 get-go and it's existed from the get-go. 10:50:47</p> <p>11 Q. What do you mean from the get-go?</p> <p>12 A. From when I joined Force10, it was there.</p> <p>13 Q. Are you familiar with the process at Dell</p> <p>14 by which new commands are added to its CLI?</p> <p>15 A. Yes. 10:51:06</p> <p>16 Q. How did you become familiar with that</p> <p>17 process?</p> <p>18 A. Through the discussions and -- and</p> <p>19 understanding of how we implement new features and</p> <p>20 functionality. 10:51:24</p> <p>21 Q. Are you responsible for the team that</p> <p>22 adds new CLI commands to Dell's CLI?</p> <p>23 A. Yes.</p> <p>24 Q. Is there a particular person at Dell</p> <p>25 who's responsible for what -- for deciding what 10:51:43</p> <p style="text-align: right;">Page 40</p>
<p>1 resells third-party products, and we OEM 10:48:58</p> <p>2 third-party products, and those are combined in a</p> <p>3 single solution for our customers.</p> <p>4 Q. Okay. Do customers -- in your</p> <p>5 experience, do customers expect the Dell CLI to 10:49:14</p> <p>6 support any particular command syntax?</p> <p>7 A. I'm aware that customers have</p> <p>8 requirements, hard -- sometimes hard requirements</p> <p>9 for support of particular commands and command</p> <p>10 modes and sequences of CLIs. 10:49:36</p> <p>11 Q. What kind of hard requirements have you</p> <p>12 become aware of?</p> <p>13 A. I've -- I've seen the hard requirements</p> <p>14 in terms of you need to support this particular way</p> <p>15 of scripting that is consistent with how our techs 10:49:49</p> <p>16 already script and operate these in the field.</p> <p>17 Q. Are you able to give any examples of</p> <p>18 command syntaxes that Dell customers expect to see</p> <p>19 in the Dell CLI?</p> <p>20 MR. HOLMES: Objection. Calls for 10:50:13</p> <p>21 speculation. Vague.</p> <p>22 THE DEONENT: Specifically, no.</p> <p>23 Q. (By Ms. McCloskey) Do you know what a</p> <p>24 show command is?</p> <p>25 A. Yes. 10:50:20</p> <p style="text-align: right;">Page 39</p>	<p>1 collection of commands will constitute the CLI? 10:51:45</p> <p>2 A. No.</p> <p>3 Q. Is there a review -- a review process</p> <p>4 that's used to decide whether any particular</p> <p>5 command will become the final CLI command? 10:51:57</p> <p>6 A. Yes.</p> <p>7 Q. Can you tell me about that review</p> <p>8 process?</p> <p>9 A. Sure. The developers take it to a group</p> <p>10 of -- of code reviewers, who then code review for 10:52:12</p> <p>11 consistency with the products in Dell's solutions,</p> <p>12 and those code reviewers will include architects</p> <p>13 for the solutions and systems.</p> <p>14 Q. What do you mean by architects for the</p> <p>15 systems and -- for the solutions and systems? 10:52:44</p> <p>16 A. Dell designates expertise for particular</p> <p>17 areas, functional areas, and in the -- and then</p> <p>18 overall system level architects in the system level</p> <p>19 architects with generalized knowledge will make</p> <p>20 that call collectively. 10:53:07</p> <p>21 Q. Are there any guidelines that are used in</p> <p>22 selecting CLI commands?</p> <p>23 A. No.</p> <p>24 Q. Any informal guidelines?</p> <p>25 A. Tribal knowledge. 10:53:16</p> <p style="text-align: right;">Page 41</p>

<p>1 regard to the functionality they're looking to 10:58:24</p> <p>2 deploy. And we will have feedback from their</p> <p>3 technicians in terms of if something meets their</p> <p>4 specific needs.</p> <p>5 Q. You've referred a couple times today to 10:58:50</p> <p>6 customer expectations.</p> <p>7 Can you tell me a little bit more about</p> <p>8 your understanding of how customer expectations</p> <p>9 arise, where those expectations come from?</p> <p>10 A. Can you state the question again. 10:59:07</p> <p>11 Q. In referring today to customer</p> <p>12 expectations, do you have an understanding, based</p> <p>13 on your work, how customer expectations arise and</p> <p>14 where they come from?</p> <p>15 THE DEPONENT: Yeah. 10:59:18</p> <p>16 MR. HOLMES: Objection. Vague.</p> <p>17 THE DEPONENT: Customer expectations</p> <p>18 would come, typically, from prior experience in</p> <p>19 switching technologies. It would come from their</p> <p>20 interactions with similar customers. It would come 10:59:38</p> <p>21 from an understanding of an end-to-end solution</p> <p>22 that -- where they're trying to go and how they</p> <p>23 think they want to accomplish it.</p> <p>24 Q. (By Ms. McCloskey) By prior -- what do</p> <p>25 you mean by prior experience in switching 10:59:52</p> <p style="text-align: right;">Page 46</p>	<p>1 A. Extreme. 11:01:16</p> <p>2 Q. Do you recall a specific instance?</p> <p>3 A. Yes.</p> <p>4 Q. What -- can you tell me about that</p> <p>5 instance? 11:01:24</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Will you tell me.</p> <p>8 You're doing a very good job answering</p> <p>9 the question.</p> <p>10 A. There was a large customer who had 11:01:36</p> <p>11 implemented scripting technologies. They were</p> <p>12 global. And they did not want or have the ability</p> <p>13 to retrain the technicians for different interfaces</p> <p>14 and different scripts and they needed their script</p> <p>15 to run. And that script required certain inputs 11:01:57</p> <p>16 and certain outputs for it to run. The</p> <p>17 implementation of what was behind those inputs and</p> <p>18 outputs was up to the -- you to decide</p> <p>19 Q. Which customer was this?</p> <p>20 MR. THOMPSON: Mr. Cato, let me 11:02:22</p> <p>21 interject. Is this a sensitive --</p> <p>22 THE DEPONENT: It could be.</p> <p>23 MR. THOMPSON: -- confidential --</p> <p>24 THE DEPONENT: It would be with my prior</p> <p>25 company. 11:02:30</p> <p style="text-align: right;">Page 48</p>
<p>1 technologies? 10:59:54</p> <p>2 A. It would come from any previous</p> <p>3 implementation that they had on-site and where</p> <p>4 they've had pros and cons or they found ways to do</p> <p>5 things more efficiently, or they've implemented a 11:00:03</p> <p>6 management system that rides on top and interfaces</p> <p>7 in.</p> <p>8 Q. And those previous implementations may</p> <p>9 involve Dell or another vendor, is that accurate?</p> <p>10 A. Yes. 11:00:18</p> <p>11 Q. So a certain -- so to some extent,</p> <p>12 customer expectations can arise based on customers'</p> <p>13 experience with other vendors' products?</p> <p>14 A. Yes.</p> <p>15 Q. In your experience at Dell, have you had 11:00:33</p> <p>16 customers request specific commands?</p> <p>17 A. I believe so, but I'm not directly</p> <p>18 familiar with those requests.</p> <p>19 Q. Okay. So you can't recall any specific</p> <p>20 requests; is that right? 11:01:06</p> <p>21 A. At Dell, no.</p> <p>22 Q. Okay. At any other company that you</p> <p>23 worked for?</p> <p>24 A. Yes.</p> <p>25 Q. Which company? 11:01:15</p> <p style="text-align: right;">Page 47</p>	<p>1 MS. McCLOSKEY: Would it be sufficient to 11:02:31</p> <p>2 designate the transcript highly confidential for</p> <p>3 you and Mr. Cato?</p> <p>4 MR. THOMPSON: Perhaps we could confer.</p> <p>5 Is that okay? 11:02:38</p> <p>6 MS. McCLOSKEY: Sure. That's fine.</p> <p>7 Shall we go off the record for a moment?</p> <p>8 MR. THOMPSON: Yes.</p> <p>9 MS. McCLOSKEY: Okay.</p> <p>10 THE VIDEOGRAPHER: We are off the record 11:02:44</p> <p>11 at 11:02 a.m.</p> <p>12 (Recess taken.)</p> <p>13 THE VIDEOGRAPHER: We are back on the</p> <p>14 record at 11:09 a.m.</p> <p>15 MR. THOMPSON: So for the record, we want 11:09:16</p> <p>16 to be clear that this portion of the transcript is</p> <p>17 designated as highly confidential, attorneys' eyes</p> <p>18 only. I understand the whole transcript is</p> <p>19 presumptively that designation, but in particular</p> <p>20 we want to be sure this next answer is covered by 11:09:28</p> <p>21 that.</p> <p>22 MS. McCLOSKEY: Understood. Thank you.</p> <p>23 Q. (By Ms. McCloskey) Before we went off</p> <p>24 the record, we were talking about a customer that</p> <p>25 you recalled who had requested a specific CLI 11:09:39</p> <p style="text-align: right;">Page 49</p>

<p>1 command. 11:09:42</p> <p>2 And I had asked you, and my last question</p> <p>3 was, do you recall which customer that was?</p> <p>4 A. Yes.</p> <p>5 Q. And which customer was that? 11:09:47</p> <p>6 A. [REDACTED]</p> <p>7 Q. You said -- and correct me if I'm wrong,</p> <p>8 I believe you testified that the customer did not</p> <p>9 want to -- could not do retraining; is that</p> <p>10 correct? 11:10:02</p> <p>11 A. Correct.</p> <p>12 Q. Do you have an understanding of why the</p> <p>13 customer was unable to retrain?</p> <p>14 A. Because they were too globally spread and</p> <p>15 were -- were looking for a consistency for how 11:10:12</p> <p>16 their technicians approached a problem and not</p> <p>17 leaving variability in the field.</p> <p>18 Q. So was -- what command was this in</p> <p>19 reference to?</p> <p>20 A. It was a series of demands. It was a 11:10:32</p> <p>21 full script.</p> <p>22 Q. Okay. And they already had -- their</p> <p>23 technicians were already familiar with that series</p> <p>24 of commands?</p> <p>25 A. Correct. 11:10:45</p> <p style="text-align: right;">Page 50</p>	<p>1 Q. And those were CLI commands that the 11:11:51</p> <p>2 technicians had become familiar with through Cisco</p> <p>3 products?</p> <p>4 A. Yes.</p> <p>5 Q. Did your company implement, indeed, the 11:12:02</p> <p>6 series of commands that the customer requested?</p> <p>7 A. I remember looking at it. I don't</p> <p>8 remember if we fully implemented the script.</p> <p>9 Q. You don't remember one way or the other?</p> <p>10 A. No. 11:12:29</p> <p>11 Q. Do you remember having any concerns at</p> <p>12 the time about a request to adopt commands from</p> <p>13 another vendor's products?</p> <p>14 MR. HOLMES: Objection. Vague.</p> <p>15 MR. THOMPSON: Object to the extent it 11:12:42</p> <p>16 misstates prior testimony.</p> <p>17 THE DEPONENT: I was -- I was more</p> <p>18 interested in ensuring that the -- the</p> <p>19 implementation was -- was our own, versus the -- I</p> <p>20 wasn't necessarily concerned with the -- the input 11:13:09</p> <p>21 itself.</p> <p>22 Q. (By Ms. McCloskey) Why weren't you</p> <p>23 concerned with the input itself?</p> <p>24 A. To me, it was a mechanism for</p> <p>25 communicating the same way you would communicate a 11:13:31</p> <p style="text-align: right;">Page 52</p>
<p>1 Q. Do you know how their customers -- 11:10:46</p> <p>2 their -- I'm sorry -- do you know how their</p> <p>3 technicians had become familiar with that series of</p> <p>4 demands?</p> <p>5 A. Practice. Generalized practice. 11:10:53</p> <p>6 Q. Do you have an understanding of whether</p> <p>7 that practice was developed on a specific vendor's</p> <p>8 products?</p> <p>9 A. Say the question one more time.</p> <p>10 Q. Sure. 11:11:05</p> <p>11 Do you have an understanding of whether</p> <p>12 that practice was developed on a certain vendor's</p> <p>13 products?</p> <p>14 A. Yes.</p> <p>15 Q. Do you know which vendor that is? 11:11:13</p> <p>16 A. Yes.</p> <p>17 Q. Which vendor is that?</p> <p>18 A. Cisco.</p> <p>19 Q. So did the customer -- am I correct in</p> <p>20 understanding that the customer requested that your 11:11:28</p> <p>21 company at the time implement the same series of</p> <p>22 commands that its Cisco's products used?</p> <p>23 A. They requested us to get the script to</p> <p>24 function and to make sure that the script</p> <p>25 functioned, which included those CLI commands. 11:11:43</p> <p style="text-align: right;">Page 51</p>	<p>1 language. 11:13:34</p> <p>2 Q. It was functional?</p> <p>3 A. It's a -- it's a -- it's a language. And</p> <p>4 then it's your interpretation and understanding of</p> <p>5 what to implement behind that that's unique. 11:13:43</p> <p>6 Q. So what you were concerned being original</p> <p>7 to your company was the implementation?</p> <p>8 A. Was the implementation and the IP around</p> <p>9 the implementation.</p> <p>10 Q. Do you recall any other instance, in your 11:14:09</p> <p>11 professional experience, of a customer requesting a</p> <p>12 specific CLI command or commands?</p> <p>13 A. I -- I recall having the discussion a</p> <p>14 number of times, but I don't recall specifics of</p> <p>15 individual customers. 11:14:27</p> <p>16 Q. Do you recall other companies asking</p> <p>17 you -- other customers -- withdrawn.</p> <p>18 Do you recall other customers asking you</p> <p>19 to support CLI commands used -- supported by other</p> <p>20 vendors? 11:14:39</p> <p>21 MR. HOLMES: Objection. Vague.</p> <p>22 THE DEPONENT: I recall other customers</p> <p>23 asking for us to meet their expectations for the</p> <p>24 CLI.</p> <p>25 Q. (By Ms. McCloskey) And was it your 11:14:59</p> <p style="text-align: right;">Page 53</p>

1 understanding that those expectations were 11:15:07
2 developed through their use of other vendors'
3 products?
4 A. Yes.
5 Q. Changing -- oh, go ahead. 11:15:20
6 A. Sorry. Sorry.
7 Other vendors or Dell products, so I
8 would say it was based off experience --
9 Q. Okay.
10 A. -- in general. 11:15:26
11 Q. Going back quickly to the discussion we
12 had about [REDACTED] do you recall ever conferring with
13 Cisco about the possibility of your company
14 supporting commands supported by Cisco?
15 A. No. 11:15:46
16 Q. Do you recall consulting with your legal
17 team about the possibility of supporting commands
18 also supported by Cisco?
19 MR. THOMPSON: We object, as -- as that
20 calls for attorney-client communications. I -- I 11:16:01
21 instruct him not to answer.
22 MS. McCLOSKEY: Okay. Fair enough.
23 Q. (By Ms. McCloskey) Changing topics. And
24 I'll just ask you a quick question about something
25 which you may not know. 11:16:11

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1 But do you know the approximate number of 11:16:13
2 the CLI commands that are supported by Dell?
3 A. No.
4 MR. HOLMES: Objection. Vague.
5 MS. McCLOSKEY: Can we mark this as 11:16:30
6 Exhibit 953.
7 (Exhibit 953 was marked for identification by
8 the court reporter and is attached hereto.)
9 Q. (By Ms. McCloskey) Mr. Cato, I have
10 given you an exhibit which is marked at 953. 11:16:47
11 Do you recognize this document?
12 Please take any time you need to look at
13 it.
14 A. I don't recognize the document.
15 Q. What is the document? 11:17:56
16 MR. HOLMES: Objection. Foundation.
17 Calls for speculations.
18 THE DEPONENT: The document appears to be
19 a document identifying the -- and talking about the
20 PowerConnect 3500 series. 11:18:12
21 Q. (By Ms. McCloskey) What is the
22 PowerConnect 3500 series?
23 A. It is an Ethernet switch that is OEM'd by
24 Dell. The software is OEM'd by Dell. The hardware
25 is Dell hardware. 11:18:34

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1 Q. Are you familiar with this switch, 11:18:38
2 generally?
3 A. Yes.
4 Q. Do you have an understanding of what a
5 document like this would be used for? 11:18:46
6 MR. HOLMES: Objection. Vague.
7 THE DEPONENT: The document would be used
8 to communicate capabilities of the switch to a
9 customer.
10 Q. (By Ms. McCloskey) So it -- is it like a 11:19:02
11 marketing document?
12 A. Yes.
13 Q. Have you seen other similar Dell
14 marketing documents similar to this document?
15 A. Yes. 11:19:11
16 Q. Can I direct your attention on the first
17 page which it says "Easy, powerful management," the
18 subheading, I'm just going to read to you part of
19 that sentence.
20 "PowerConnect 3500 series switches 11:19:21
21 support a number of industry-standard management
22 interfaces such as web-based management, Command
23 Line Interface (CLI)," and then it continues on.
24 Do you see that?
25 A. Yes. 11:19:45

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1 Q. And then if you turn over the page to the 11:19:45
2 back side under the section on "Management," do you
3 see where it says, "Industry-standard CLI
4 accessible via Telnet or Local Serial Port"?
5 A. Yes. 11:19:51
6 Q. Focusing on that term "industry-standard
7 CLI," have you heard that term used before in
8 relation to switchers and routers?
9 MR. HOLMES: Objection. Foundation.
10 THE DEPONENT: Yes. 11:20:03
11 Q. (By Ms. McCloskey) How have you heard
12 that term before?
13 A. I've heard it both from customers, from
14 engineers within my team, outside my team. It's
15 consistent. 11:20:19
16 Q. So based on your experience in
17 networking, you've heard the term of
18 "industry-standard CLI" in a variety of contexts;
19 is that correct?
20 A. Yes. 11:20:30
21 Q. From a variety of different entities; is
22 that correct?
23 A. Yes.
24 Q. Do you have an understanding of what the
25 term "industry-standard CLI" refers to? 11:20:37

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<p>1 A. Yes. 11:20:45</p> <p>2 Q. What does it refer to?</p> <p>3 A. It refers to the practices in the</p> <p>4 industry, in general, relative to the CLI and the</p> <p>5 implementation of the CLI in the industry. 11:20:56</p> <p>6 Q. What do you mean the practices in the</p> <p>7 industry, in general?</p> <p>8 A. Expectations from the industry for -- and</p> <p>9 customers for -- for certain capabilities that must</p> <p>10 exist within the CLI. 11:21:13</p> <p>11 Q. You mentioned that you'd heard the term</p> <p>12 industry-standard CLI from customers; is that</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. In what context have you heard customers 11:21:30</p> <p>16 refer to industry-standard CLI?</p> <p>17 A. We've heard it in terms of communication</p> <p>18 of requirements or communication of -- of their</p> <p>19 practices internally.</p> <p>20 Q. So based on communications you've had 11:21:47</p> <p>21 with customers, you understand that customers</p> <p>22 expect industry-standard CLI?</p> <p>23 A. Yes.</p> <p>24 Q. In your experience, why do you understand</p> <p>25 that customers expect -- expect industry-standard 11:21:58</p> <p style="text-align: right;">Page 58</p>	<p>1 explain what you mean by OEM? 11:23:19</p> <p>2 A. OEM. Other equipment manufacturer</p> <p>3 Q. Thank you.</p> <p>4 A. So, for example, the software on here</p> <p>5 wasn't necessarily developed by us. 11:23:29</p> <p>6 Q. Okay. Does Dell have a policy with</p> <p>7 respect to its use of industry-standard commands?</p> <p>8 MR. HOLMES: Objection. Assumes facts</p> <p>9 not in evidence.</p> <p>10 THE DEPONENT: There's no formal policy. 11:23:51</p> <p>11 Q. (By Ms. McCloskey) Does Dell make an</p> <p>12 effort to adopt industry-standard commands where</p> <p>13 appropriate?</p> <p>14 A. Yes.</p> <p>15 Q. Can you explain to me when it's 11:24:02</p> <p>16 appropriate for a company such as Dell to adopt</p> <p>17 industry-standard commands?</p> <p>18 A. Dell tries to -- within its technologies,</p> <p>19 tries to remain consistent about the open standards</p> <p>20 in the industry and -- and make sure that we 11:24:17</p> <p>21 provide interoperability across platforms for the</p> <p>22 end-to-end solutions. So we try to avoid, as much</p> <p>23 as possible, any priority implementations.</p> <p>24 Q. So it sounds to me like Dell tries to use</p> <p>25 the industry-standard commands as much as possible. 11:24:42</p> <p style="text-align: right;">Page 60</p>
<p>1 CLI? 11:22:02</p> <p>2 A. My understanding is because they want</p> <p>3 to -- they want their technicians to behave a</p> <p>4 certain way or their -- their network</p> <p>5 administrators to behave a certain way and -- and 11:22:15</p> <p>6 they want a level of consistency, in terms of the</p> <p>7 expected results.</p> <p>8 Q. Is the term industry-standard CLI a term</p> <p>9 you've heard customers use frequently?</p> <p>10 MR. THOMPSON: Objection. Vague. 11:22:35</p> <p>11 THE DEPONENT: I -- I've heard it</p> <p>12 consistently.</p> <p>13 Q. (By Ms. McCloskey) You mentioned that</p> <p>14 you'd heard the term industry-standard CLI from</p> <p>15 engineers. 11:22:46</p> <p>16 Do you recall in what context you've</p> <p>17 heard engineers use the term industry-standard CLI?</p> <p>18 A. Sure. In terms of when you're -- you're</p> <p>19 talking about how to -- when we OEM a product or</p> <p>20 we -- or we're configuring a multiple vendor 11:23:00</p> <p>21 solution, the term will come up, you know, what --</p> <p>22 what do we need to do with the CLI, or what do we</p> <p>23 need to do for the interface of the management</p> <p>24 tools and how it's industry standard.</p> <p>25 Q. Just so the record is clear, can you 11:23:17</p> <p style="text-align: right;">Page 59</p>	<p>1 A. We try to use what our -- we try to make 11:24:45</p> <p>2 sure that we're meeting our customer expectations.</p> <p>3 So whatever the customer expectations are and</p> <p>4 whatever we can do to make sure that we have a</p> <p>5 level of consistency across Dell's full -- full 11:24:58</p> <p>6 portfolio, we will do.</p> <p>7 Q. Do customers generally expect</p> <p>8 industry-standard commands?</p> <p>9 MR. HOLMES: Objection. Calls for</p> <p>10 speculation. Foundation. 11:25:11</p> <p>11 THE DEPONENT: In general, yes.</p> <p>12 Q. (By Ms. McCloskey) How do you know that?</p> <p>13 A. Conversations with different customers</p> <p>14 and just through travel knowledge, in general.</p> <p>15 Q. So through your experience in networking 11:25:25</p> <p>16 over, I guess, almost 20 years, you understand that</p> <p>17 customers generally expect industry-standard</p> <p>18 commands?</p> <p>19 A. Yes.</p> <p>20 Q. Are there any circumstances in which Dell 11:25:42</p> <p>21 does not adopt industry-standard commands?</p> <p>22 A. We will not adopt an industry-standard</p> <p>23 command if we don't think that the underlying</p> <p>24 functionality can be developed without violating</p> <p>25 somebody else's intellectual property. 11:26:02</p> <p style="text-align: right;">Page 61</p>

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<p>1 Q. What do you mean by, when the underlying 11:26:05</p> <p>2 functionality can't be developed without violating</p> <p>3 someone else's intellectual property?</p> <p>4 A. If -- if there is intellectual property</p> <p>5 across the implementation of a particular -- 11:26:15</p> <p>6 particular protocol or -- or particular innovation</p> <p>7 and the command is simply an interface into that</p> <p>8 innovation, we won't --</p> <p>9 Q. I see.</p> <p>10 A. -- touch it. 11:26:33</p> <p>11 Q. Okay. Is it your understanding then that</p> <p>12 Dell uses many CLI commands that are also supported</p> <p>13 by other networking equipment vendors in the</p> <p>14 industry?</p> <p>15 A. Can you restate that one. 11:26:51</p> <p>16 Q. Sure.</p> <p>17 Is it your understanding then that Dell</p> <p>18 uses many CLI commands that are also supported by</p> <p>19 other networking equipment vendors in the industry?</p> <p>20 MR. HOLMES: Objection. Vague. Calls 11:27:02</p> <p>21 for speculation.</p> <p>22 THE DEPONENT: Sorry. One more time.</p> <p>23 MS. McCLOSKEY: Sure. No problem.</p> <p>24 Q. (By Ms. McCloskey) Is it your</p> <p>25 understanding that Dell uses many CLI commands that 11:27:14</p> <p style="text-align: right;">Page 62</p>	<p>1 fairly called industry-standard commands? 11:28:29</p> <p>2 A. Yes.</p> <p>3 Q. Would it be fair to say that Dell and</p> <p>4 Cisco's CLI commands may overlap, to the extent</p> <p>5 both use industry-standard CLI commands? 11:28:36</p> <p>6 MR. HOLMES: Objection. Vague. Calls</p> <p>7 for speculation.</p> <p>8 THE DEPONENT: Yes.</p> <p>9 Q. (By Ms. McCloskey) Are you aware of</p> <p>10 other vendors with whom Dell's CLI commands 11:28:45</p> <p>11 overlap?</p> <p>12 A. Yes.</p> <p>13 Q. Which vendors?</p> <p>14 A. Anybody that uses that same industry</p> <p>15 standard. So it would be Arista. I believe 11:28:56</p> <p>16 Juniper. Extreme. Enterasys. Anybody that uses</p> <p>17 the Broadcom, PowerConnect software or Level --</p> <p>18 Level 7 software.</p> <p>19 Q. So many vendors use the industry-standard</p> <p>20 CLI demands? 11:29:18</p> <p>21 A. Yes.</p> <p>22 MR. HOLMES: Objection. Calls for</p> <p>23 speculation.</p> <p>24 Q. (By Ms. McCloskey) Has -- has Dell ever</p> <p>25 considered whether it was somehow wrong to use CLI 11:29:36</p> <p style="text-align: right;">Page 64</p>
<p>1 are also supported by other networking equipment 11:27:17</p> <p>2 vendors in the industry?</p> <p>3 A. Yes.</p> <p>4 MR. HOLMES: Same objections.</p> <p>5 Q. (By Ms. McCloskey) How do you know that? 11:27:25</p> <p>6 A. Because it's an industry standard.</p> <p>7 Q. Do you have an understanding as to</p> <p>8 whether Cisco uses many CLI commands that are also</p> <p>9 supported by other networking equipment vendors in</p> <p>10 the industry? 11:27:49</p> <p>11 MR. HOLMES: Objection. Vague. Calls</p> <p>12 for speculation.</p> <p>13 THE DEPONENT: I'm aware that some of</p> <p>14 their commands are consistent with other vendors.</p> <p>15 Q. (By Ms. McCloskey) How do you know that? 11:27:56</p> <p>16 A. Because they're industry standard</p> <p>17 Q. Are you generally familiar with some of</p> <p>18 Cisco's CLI commands?</p> <p>19 A. I'm generally familiar with the fact,</p> <p>20 yes. 11:28:09</p> <p>21 (Discussion off the stenographic record.)</p> <p>22 Q. (By Ms. McCloskey) I think you would</p> <p>23 agree with this, but would you agree that commands</p> <p>24 that are used by many different vendors and that</p> <p>25 customers expect to see in an Ethernet switch are 11:28:24</p> <p style="text-align: right;">Page 63</p>	<p>1 commands that are also supported by Cisco? 11:29:39</p> <p>2 A. No.</p> <p>3 MR. HOLMES: Objection. Vague. Calls</p> <p>4 for a legal conclusion.</p> <p>5 Q. (By Ms. McCloskey) Is it fair to say 11:29:47</p> <p>6 that if Dell thought that it was wrong to use a</p> <p>7 certain CLI command, it wouldn't use it?</p> <p>8 A. Yes.</p> <p>9 MR. HOLMES: Same objections.</p> <p>10 Q. (By Ms. McCloskey) Is it fair to say 11:29:55</p> <p>11 that if Dell thought it was illegal to use a</p> <p>12 certain CLI command, it wouldn't use it?</p> <p>13 A. Yes.</p> <p>14 MR. HOLMES: Same objections.</p> <p>15 Q. (By Ms. McCloskey) Have you ever 11:30:03</p> <p>16 discussed with others the fact that the Dell CLI --</p> <p>17 that the CLI supported by Dell shares commands in</p> <p>18 common with the CLI supported by Cisco?</p> <p>19 MR. THOMPSON: Let me just caution the</p> <p>20 witness, you should exclude any communications with 11:30:13</p> <p>21 your lawyers.</p> <p>22 THE DEPONENT: Agree.</p> <p>23 Q. (By Ms. McCloskey) Thank you.</p> <p>24 Would you like me to read the question?</p> <p>25 A. Yes, please. 11:30:22</p> <p style="text-align: right;">Page 65</p>

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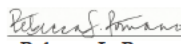
<p>1 A. Since 2001. 12:17:44</p> <p>2 Q. I see 2011.</p> <p>3 A. Or 2011. Sorry. 2011.</p> <p>4 Q. So you have been aware of the industry</p> <p>5 standard at least since June of 2011? 12:17:53</p> <p>6 A. Yes.</p> <p>7 MR. HOLMES: Objection. Vague.</p> <p>8 Q. (By Ms. McCloskey) Is that your earliest</p> <p>9 memory of being aware of the industry-standard CLI?</p> <p>10 A. Yes. 12:18:01</p> <p>11 MR. HOLMES: Objection. Vague.</p> <p>12 Q. (By Ms. McCloskey) Earlier today you</p> <p>13 listed a series of vendors for whom your teams have</p> <p>14 used their switches. I have down Brocade, Cisco,</p> <p>15 Arista, Juniper, NETGEAR, Extreme and Dell. 12:18:20</p> <p>16 Is it your understanding that each of</p> <p>17 those companies -- and I would be happy to ask you</p> <p>18 one by one, if that's easier -- support the</p> <p>19 industry-standard CLI?</p> <p>20 MR. HOLMES: Objection. Calls for 12:18:33</p> <p>21 speculation. Vague. Beyond the scope.</p> <p>22 THE DEPONENT: Can you ask the question</p> <p>23 one more time.</p> <p>24 Q. (By Ms. McCloskey) Sure.</p> <p>25 Earlier today you talked about 12:18:43</p> <p style="text-align: right;">Page 94</p>	<p>1 THE DEPONENT: I'd be speculating, but my 12:19:35</p> <p>2 understanding, in general, is that, yes, there's</p> <p>3 aspects of the industry standard support.</p> <p>4 Q. (By Ms. McCloskey) Do you understand</p> <p>5 whether Juniper supports the industry-standard CLI? 12:19:44</p> <p>6 THE DEPONENT: I'd be speculating, in</p> <p>7 general.</p> <p>8 Q. (By Ms. McCloskey) Do you have any</p> <p>9 knowledge with respect to NETGEAR?</p> <p>10 A. No. 12:19:55</p> <p>11 Q. Does Extreme support the</p> <p>12 industry-standard CLI?</p> <p>13 MR. HOLMES: Same objections.</p> <p>14 THE DEPONENT: Extreme supports aspects</p> <p>15 of the industry standard. 12:20:04</p> <p>16 Q. (By Ms. McCloskey) Are there any other</p> <p>17 entities that I haven't mentioned that you believe</p> <p>18 support the industry-standard CLI, based on your</p> <p>19 experience?</p> <p>20 A. Not that come to the top of my head. 12:20:12</p> <p>21 MS. McCLOSKEY: I'm going to mark this</p> <p>22 exhibit, which is a video, Exhibit 956.</p> <p>23 (Exhibit 956 was marked for identification by</p> <p>24 the court reporter and is attached hereto.)</p> <p>25 Q. (By Ms. McCloskey) I'm on a YouTube page 12:20:26</p> <p style="text-align: right;">Page 96</p>
<p>1 familiarity with -- with vendors, including 12:18:44</p> <p>2 Brocade, Cisco, Arista, Juniper, NETGEAR, Extreme</p> <p>3 and Dell.</p> <p>4 Is it your understanding that each of</p> <p>5 those vendors support the industry-standard CLI? 12:18:55</p> <p>6 MR. HOLMES: Same objections.</p> <p>7 THE DEPONENT: Yeah, I would be</p> <p>8 speculating.</p> <p>9 Q. (By Ms. McCloskey) I'm going to ask you</p> <p>10 entity by entity, so to the extent you know, you 12:19:08</p> <p>11 can answer.</p> <p>12 Do you understand whether Brocade</p> <p>13 supports the industry-standard CLI?</p> <p>14 MR. HOLMES: Objection. Asked and</p> <p>15 answered. Beyond the scope. Calls for 12:19:13</p> <p>16 speculation.</p> <p>17 THE DEPONENT: I'd be speculating.</p> <p>18 Q. (By Ms. McCloskey) Do you understand</p> <p>19 whether Cisco supports the industry-standard CLI?</p> <p>20 MR. HOLMES: Same objections. 12:19:24</p> <p>21 THE DEPONENT: My understanding is that</p> <p>22 they would support the industry standard.</p> <p>23 Q. (By Ms. McCloskey) Do you understand</p> <p>24 whether Arista supports the industry-standard CLI?</p> <p>25 MR. HOLMES: Same objections. 12:19:35</p> <p style="text-align: right;">Page 95</p>	<p>1 for the Dell Tech Center. 12:20:28</p> <p>2 Have you seen this YouTube -- YouTube</p> <p>3 page before?</p> <p>4 A. No.</p> <p>5 Q. Do you have an understanding of whether 12:20:33</p> <p>6 Dell has a YouTube -- YouTube -- I guess a YouTube</p> <p>7 channel?</p> <p>8 A. No.</p> <p>9 MR. HOLMES: Objection. Foundation.</p> <p>10 Q. (By Ms. McCloskey) What -- what is the 12:20:42</p> <p>11 Dell Tech Center?</p> <p>12 MR. HOLMES: Foundation. Objection.</p> <p>13 THE DEPONENT: I'm not sure.</p> <p>14 Q. (By Ms. McCloskey) I'm going to bring up</p> <p>15 a video that I've previously seen, and I'm just 12:20:51</p> <p>16 going to play you a little bit of this video. Let</p> <p>17 me turn the volume up</p> <p>18 (Video playing.)</p> <p>19 Q. (By Ms. McCloskey) I'll edit there,</p> <p>20 unless you want to see any more of it. I'm just 12:22:42</p> <p>21 going to ask you a few questions about it.</p> <p>22 A. Okay.</p> <p>23 Q. Have you ever seen that video before?</p> <p>24 A. No.</p> <p>25 Q. What do you understand that video to be? 12:22:49</p> <p style="text-align: right;">Page 97</p>

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<p>1 Do you understand it to be a comparison of the CLI 12:22:51</p> <p>2 supported by Dell and the CLI supported by Cisco?</p> <p>3 MR. HOLMES: Objection. Vague.</p> <p>4 Foundation. And assumes facts not in evidence.</p> <p>5 It's also compound. 12:22:59</p> <p>6 THE DEPONENT: My understanding would be</p> <p>7 that it is probably trying to help market the -- if</p> <p>8 somebody understood generalized structures for a</p> <p>9 Cisco switch, that they could generally understand</p> <p>10 what to do on a Dell switch. 12:23:19</p> <p>11 MR. HOLMES: It's also beyond the scope.</p> <p>12 Q. (By Ms. McCloskey) What would be the</p> <p>13 purpose of a video -- of this video?</p> <p>14 MR. HOLMES: Same objections.</p> <p>15 Q. (By Ms. McCloskey) Withdrawn. 12:23:30</p> <p>16 What is the purpose of this video, to the</p> <p>17 best of your understanding?</p> <p>18 MR. HOLMES: Objection.</p> <p>19 THE DEPONENT: I'd be speculating.</p> <p>20 MR. THOMPSON: That does call for 12:23:36</p> <p>21 speculation.</p> <p>22 You can answer.</p> <p>23 MR. HOLMES: Objection. Beyond the</p> <p>24 scope. Calls for speculation.</p> <p>25 THE DEPONENT: I'd be speculating, but I 12:23:42</p> <p style="text-align: right;">Page 98</p>	<p>1 MR. THOMPSON: Same objections. 12:24:48</p> <p>2 THE DEPONENT: I would be speculating,</p> <p>3 but I would assume it would show that, as a video</p> <p>4 would, between any other switch vendor and our</p> <p>5 vendor. We would try and show the similarities so 12:25:00</p> <p>6 that we could make that easier in terms of</p> <p>7 translation.</p> <p>8 MS. McCLOSKEY: Sorry. All right. I'll</p> <p>9 close this down.</p> <p>10 I just have a couple more documents I'd 12:25:12</p> <p>11 like to show you and then I will be ready to wrap</p> <p>12 up for the day.</p> <p>13 Let's mark this as Exhibit 957.</p> <p>14 (Exhibit 957 was marked for identification by</p> <p>15 the court reporter and is attached hereto.) 12:25:22</p> <p>16 Q. (By Ms. McCloskey) Mr. Cato, I've handed</p> <p>17 you a document that's been marked 957.</p> <p>18 Do you recognize this document?</p> <p>19 A. I do not.</p> <p>20 Q. Can you take a brief look at this 12:25:47</p> <p>21 document and tell me whether you have an</p> <p>22 understanding of what this document is?</p> <p>23 A. It looks like a -- a marketing document</p> <p>24 associated with the PowerConnect series of</p> <p>25 switches. 12:26:10</p> <p style="text-align: right;">Page 100</p>
<p>1 would assume that it -- it could be intended for a 12:23:43</p> <p>2 multi-vendor environment. We're going in and</p> <p>3 somebody is operating a Cisco switch and a Dell</p> <p>4 switch, or for marketing, in general, to a Cisco</p> <p>5 customer. 12:23:55</p> <p>6 Q. (By Ms. McCloskey) And so is it</p> <p>7 important for the audience of this video to</p> <p>8 understand that the similarities between the -- the</p> <p>9 CLI supported by Dell and the CLI supported by</p> <p>10 Cisco? 12:24:06</p> <p>11 MR. HOLMES: Objection. Calls for a</p> <p>12 legal conclusion. Calls for speculation. Vague.</p> <p>13 Beyond the scope.</p> <p>14 THE DEPONENT: I'd be speculating, but I</p> <p>15 would assume that for whoever was viewing the video 12:24:14</p> <p>16 it would be important for them to understand that</p> <p>17 any knowledge that they brought in from a Cisco</p> <p>18 script could translate, so that you could have an</p> <p>19 understanding of what to do on a Dell switch.</p> <p>20 Q. (By Ms. McCloskey) And so do you 12:24:35</p> <p>21 understand that it would educate a viewer of this</p> <p>22 video that, for example, the training time to get</p> <p>23 up to speed on a Dell switch, if you knew how to</p> <p>24 use a Cisco switch, would be less than it would be</p> <p>25 otherwise? 12:24:48</p> <p style="text-align: right;">Page 99</p>	<p>1 Q. A Dell marketing document? 12:26:10</p> <p>2 A. A Dell marketing document.</p> <p>3 Q. And I'm going to direct your attention,</p> <p>4 again, to language that's similar to language we've</p> <p>5 already looked at today where it says "Easy, 12:26:18</p> <p>6 Powerful Management."</p> <p>7 I'll read to you the first sentence.</p> <p>8 "PowerConnect 5200 Series switches support a number</p> <p>9 of management interfaces, including an easy-to-use</p> <p>10 embedded Web interface as well as an industry 12:26:31</p> <p>11 standard Command Line Interface (CLI) which allows</p> <p>12 network administrators to utilize existing switch</p> <p>13 configurations skills."</p> <p>14 Do you see that?</p> <p>15 A. I do. 12:26:44</p> <p>16 Q. Is this the same industry-standard CLI</p> <p>17 which we've been discussing today?</p> <p>18 MR. HOLMES: Objection. Foundation.</p> <p>19 Calls for speculation.</p> <p>20 Q. (By Ms. McCloskey) Withdrawn. 12:26:55</p> <p>21 Does this reference the same</p> <p>22 industry-standard CLI which we have been discussing</p> <p>23 today?</p> <p>24 MR. HOLMES: Same objection.</p> <p>25 THE DEPONENT: Yes, it does. It would be 12:27:01</p> <p style="text-align: right;">Page 101</p>

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<p>1 important to know that the Dell OEM's the 12:27:03</p> <p>2 PowerConnect, I believe, full series --</p> <p>3 Q. (By Ms. McCloskey) Okay.</p> <p>4 A. -- so that the software is not</p> <p>5 necessarily Dell-produced software. 12:27:14</p> <p>6 Q. Do you have an understanding of whose</p> <p>7 software it would be?</p> <p>8 A. Yes.</p> <p>9 Q. Who is that?</p> <p>10 A. Broadcom. 12:27:24</p> <p>11 Q. So am I correct in understanding that</p> <p>12 this document indicates that the Broad- -- Broadcom</p> <p>13 software supports the industry-standard CLI?</p> <p>14 A. I believe so, yes.</p> <p>15 Q. Do you have any reason to question 12:27:36</p> <p>16 whether the Broadcom software supports the</p> <p>17 industry-standard CLI?</p> <p>18 MR. THOMPSON: Same objections.</p> <p>19 THE DEPONENT: No. My comment was not</p> <p>20 familiarity with this particular series or -- or 12:27:45</p> <p>21 the particular switch, and just going from memory</p> <p>22 in terms of who has Broadcom software versus who</p> <p>23 has Dell software on the individual switches.</p> <p>24 MS. MCCLOSKEY: Okay. Thanks. You can</p> <p>25 put that document aside. 12:28:08</p> <p style="text-align: right;">Page 102</p>	<p>1 was a Force10 or a Dell document. It depends on 12:30:06</p> <p>2 timing. It looks like it was a Force10 document.</p> <p>3 Q. (By Ms. McCloskey) Do you see on the</p> <p>4 middle of the front -- front page where it says,</p> <p>5 "The FTOS CLI combines an industry-standard show, 12:30:16</p> <p>6 configuration and debugging syntax with" -- "with</p> <p>7 enhanced usability and navigation features. As a</p> <p>8 result, configuration and troubleshooting is just</p> <p>9 like working on an iOS platform, but more</p> <p>10 comfortable." 12:30:33</p> <p>11 Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. Do you have an understanding of what this</p> <p>14 document refers to when it references an industry</p> <p>15 standard show syntax? 12:30:46</p> <p>16 MR. HOLMES: Objection. Foundation.</p> <p>17 THE DEPONENT: It would be -- my</p> <p>18 assumption is that the author intended to</p> <p>19 demonstrate that the -- the CLI implementation was</p> <p>20 what customers would expect for the industry 12:31:10</p> <p>21 standard, and that they had gone and also provided</p> <p>22 additional commands for -- for making some of the</p> <p>23 navigation or some of the implementation easier.</p> <p>24 So it looks like they have implemented an industry</p> <p>25 standard and then additional commands. 12:31:28</p> <p style="text-align: right;">Page 104</p>
<p>1 I'm going to show you a document which is 12:28:08</p> <p>2 marked 958.</p> <p>3 (Exhibit 958 was marked for identification by</p> <p>4 the court reporter and is attached hereto.)</p> <p>5 Q. (By Ms. McCloskey) Mr. Cato, I've handed 12:28:11</p> <p>6 you a document which is marked Exhibit 958.</p> <p>7 Do you recognize this document?</p> <p>8 A. No.</p> <p>9 Q. Can you please take a look at this</p> <p>10 document and tell me what your understanding is 12:28:29</p> <p>11 that it is?</p> <p>12 MR. HOLMES: Objection. Foundation.</p> <p>13 THE DEPONENT: It looks like it's a</p> <p>14 marketing document talking about the CLI on</p> <p>15 Force10's operating system. 12:29:41</p> <p>16 Q. (By Ms. McCloskey) Have you seen</p> <p>17 documents like this before?</p> <p>18 MR. HOLMES: Objection. Vague.</p> <p>19 THE DEPONENT: I've seen similar</p> <p>20 documents. 12:29:57</p> <p>21 Q. (By Ms. McCloskey) And -- and just to be</p> <p>22 clear, it's a Dell marketing document about CLI; is</p> <p>23 that correct?</p> <p>24 MR. HOLMES: Objection. Foundation.</p> <p>25 THE DEPONENT: I am unable to tell if it 12:30:04</p> <p style="text-align: right;">Page 103</p>	<p>1 Q. (By Ms. McCloskey) Which additional 12:31:31</p> <p>2 commands are those?</p> <p>3 A. It -- I -- I'd be speculating.</p> <p>4 Q. Okay. What does iOS refer to?</p> <p>5 MR. HOLMES: Objection. Vague. 12:31:45</p> <p>6 Foundation.</p> <p>7 THE DEPONENT: I believe iOS refers to</p> <p>8 Cisco's operating system.</p> <p>9 Q. (By Ms. McCloskey) So is it your</p> <p>10 understanding -- 12:31:53</p> <p>11 A. -- on one of their -- on some of their</p> <p>12 switches.</p> <p>13 Q. Thank you for that clarification.</p> <p>14 Is it your understanding that this</p> <p>15 document -- this marketing document is indicating 12:31:59</p> <p>16 to customers that configuration and troubleshooting</p> <p>17 is similar to working on a Cisco iOS platform?</p> <p>18 MR. HOLMES: Objection. The document</p> <p>19 speaks for itself. Foundation.</p> <p>20 THE DEPONENT: I believe that it's 12:32:13</p> <p>21 indicating that if you -- if you are familiar with</p> <p>22 the industry-standard aspects of the Cisco, you</p> <p>23 would be familiar with the industry-standard</p> <p>24 aspects of the Dell switch, or the Force10 switch</p> <p>25 in this case. 12:32:32</p> <p style="text-align: right;">Page 105</p>

<p>1 property. 12:49:21</p> <p>2 MS. McCLOSKEY: I have no further</p> <p>3 questions. Thank you very much.</p> <p>4 MR. HOLMES: I have one final question.</p> <p>5 FURTHER EXAMINATION 12:49:32</p> <p>6 BY MR. HOLMES:</p> <p>7 Q. Sir, we discussed a company called</p> <p>8 Force10 today.</p> <p>9 Do you remember that?</p> <p>10 A. Yes, sir. 12:49:36</p> <p>11 Q. And you're not here as a</p> <p>12 representative -- corporate representative of</p> <p>13 Force10, are you?</p> <p>14 A. I am not.</p> <p>15 Q. And you don't work for Force10 currently, 12:49:42</p> <p>16 right?</p> <p>17 A. I work for Dell.</p> <p>18 MR. HOLMES: No further questions.</p> <p>19 Thank you.</p> <p>20 THE VIDEOGRAPHER: This is the end of 12:49:48</p> <p>21 today's deposition of Dell, Inc. The deponent is</p> <p>22 Gavin Cato. We are off the record at 12:49 p.m.</p> <p>23 Thank you.</p> <p>24 (TIME NOTED: 12:49 p.m.)</p> <p>25</p> <p>Page 122</p>	<p>1 I, Rebecca L. Romano, a Certified Shorthand</p> <p>2 Reporter of the State of California, do hereby certify:</p> <p>3 That the foregoing proceedings were taken before me</p> <p>4 at the time and place herein set forth; that any</p> <p>5 witnesses in the foregoing proceedings, prior to</p> <p>6 testifying, were administered an oath; that a record of</p> <p>7 the proceedings was made by me using machine shorthand</p> <p>8 which was thereafter transcribed under my direction;</p> <p>9 that the foregoing transcript is true record of the</p> <p>10 testimony given.</p> <p>11 Further, that if the foregoing pertains to the</p> <p>12 original transcript of a deposition in a Federal Case,</p> <p>13 before completion of the proceedings, review of the</p> <p>14 transcript [] was [X] was not requested.</p> <p>15 I further certify I am neither financially</p> <p>16 interested in the action nor a relative or employee of</p> <p>17 any attorney or any party to this action.</p> <p>18 IN WITNESS WHEREOF, I have this date subscribed my</p> <p>19 name.</p> <p>20 Dated: May 26, 2016</p> <p>21</p> <p>22</p> <p>23 </p> <p>24 Rebecca L. Romano, RPR,</p> <p>25 CSR. No 12546</p> <p>Page 124</p>
<p>1 I declare under penalty of perjury</p> <p>2 under the laws that the foregoing is</p> <p>3 true and correct.</p> <p>4</p> <p>5 Executed on _____, 20____,</p> <p>6 at _____.</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11 _____</p> <p>12 GAVIN CATO</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 123</p>	